

### REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1-20 and 22-33 will be pending. By this amendment, claims 21 and 34-39 have been canceled; and claims 1-20 and 22-33 have been amended. No new matter has been added.

#### Objections to the Drawings

In Section 1 of the Office Action, the drawings are objected to for failing to comply with 37 C.F.R. §1.84(p)(5). The drawings have been amended to obviate the objection.

#### Objections to the Specification

In Section 2 of the Office Action, the disclosure objected to for informalities. The specification has been amended to obviate the objection.

#### Objections to the Claim 5

In Section 3 of the Office Action, claim 5 has been objected to for informalities. Claim 5 has been amended to obviate the objection.

#### § 112 Rejection of Claims 1-6, 9-11, 13-14, 16-17, 19-20, 22, 26, and 28-32

In Section 5 of the Office Action, claims 1-6, 9-11, 13-14, 16-17, 19-20, 22, 26, and 28-32 stand rejected under 35 U.S.C. §112, second paragraph as being as being indefinite. Relevant claims have been amended to obviate the rejection.

§ 102 Rejection of Claims 1-4, 6-12, 14-28, and 30-39

In Section 7 of the Office Action, claims 1-4, 6-12, 14-28, and 30-39 stand rejected under 35 U.S.C. §102(a) as being anticipated by Bar-El (WO 99/26415). Claims 1-4, 6-12, 14-20, 22-28, and 30-33 have been amended to address the rejection.

In the Background section of the Specification, it was disclosed that “even in such recent television game systems and television broadcasting systems, there are several disadvantages which have to be resolved in order to enable more effective and more convenient use. ... First, usual television games are played by running software off of different media. Various situations and scenes are successively generated. Even in complicated games, however, there is a limit to the situations, scenes, etc. Once the player experiences the series of situations and scenes and watches the video etc., he or she then ends up rapidly losing interest, that is, becomes bored. This characteristic of television games is the same no matter how high the performance the television game system becomes. This is one of the main disadvantages with television game systems. ... Further, software for television games takes a long time to develop. Therefore, it is difficult to incorporate the latest news, fashions, etc. such as obtained from television broadcasts. Namely, it is very difficult to provide timely contents closely related to the real world. ... Further, some television game software become very popular and sell millions of copies. Also, some purchasers play them over the television monitor for relatively long hours. Accordingly, this makes them very attractive as advertisement media. Up until now, however, there have been few examples of effective usage as advertisement media. The reason for this seems to be that, as mentioned above, television game software is not updated daily or weekly like the programs of television broadcasts, newspapers, or magazines, but takes a long time to develop making it

difficult to place timely advertisements in it. Further, game software tends strongly to be considered as an integral work of art. The creators of these games are therefore said to be averse to the placement of advertisements in their game software.” *Background of the Specification*, page 2, line 22 to page 4, line 8.

To solve the above-described shortcomings of the conventional television game and broadcasting systems, embodiments of the present invention include method, system, and apparatus for data transmission.

For example, the steps of a data transmission method in claim 1, as presented herein, includes:

“A data transmission method comprising;  
  
broadcasting first data containing television content data and auxiliary data provided for signal processing at a viewer end;  
  
receiving said first data at said viewer end;  
  
performing an operation and outputting an operation signal based on said operation;  
  
performing a first signal processing on said television content data according to software stored in a removable recording medium and said operation signal to output first output content data;  
  
performing a second signal processing using said first output content data and said television content data based on said auxiliary data to generate second output content data; and  
  
outputting the second output content data.”  
  
(emphasis added)

Accordingly, in one aspect of claim 1, the data transmission method includes broadcasting first data containing television content data and auxiliary data provided for signal processing at a viewer end; performing a first signal processing on the television content data

according to software stored in a removable recording medium and the operation signal to output first output content data; and performing a second signal processing using the first output content data and the television content data based on the auxiliary data to generate second output content data. See *Specification, page 24, line 22 to page 27, line 13*.

By contrast, Bar-El fails to teach or suggest broadcasting television content data; performing a first signal processing on the television content data according to software stored in a removable recording medium; and performing a second signal processing using the first output content data and the television content data.

Based on the foregoing discussion, claim 1 should be allowable over Bar-El. Since claims 10, 16, 19, 20, 22, 26, 34, and 36 closely parallel, and recite substantially similar limitations as recited in, claim 1, claims 10, 16, 19, 20, 22, 26, 34, and 36 should also be allowable over Bar-El. Further, since claims 2-4, 6-9, 11-12, 14-15, 17-18, 23-28, and 30-33 depend from one of claims 1, 10, 16, 19, 20, 22, 26, 34, and 36, claims 2-4, 6-9, 11-12, 14-15, 17-18, 23-28, and 30-33 should also be allowable over Bar-El. Claims 21 and 34-39 have been canceled.

Accordingly, it is submitted that the rejection of claims 1-4, 6-12, 14-28, and 30-39 based upon 35 U.S.C. §102(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

#### § 103 Rejection of Claims 5, 13, and 29

In Section 9 of the Office Action, claims 5, 13, and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bar-El in view of Sitrick (U.S. Patent 6,425,825).

Based on the foregoing discussion regarding claims 1, 10, and 26, and since claims 5, 13,

and 29 depend from claims 1, 10, and 26, respectively, claims 5, 13, and 29 should be allowable over Bar-El. Further, Sitrick was merely cited for teaching a system and methodology where replacement predefined character images and existing game display functions may be utilized in association with predefined game character and game display functions. Thus, Bar-El and Sitrick, in combination or individually, fail to teach or suggest all the limitations of claims 5, 13, and 29.

Accordingly, it is submitted that the rejection of claims 5, 13, and 29 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

#### Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1-20 and 22-33 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the

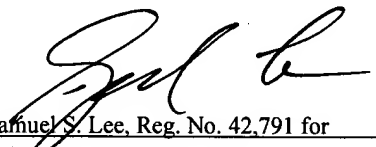
PATENT  
Appl. No. 09/733,332  
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telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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Attachments

**Amendments to the Drawings:**

The attached sheets of drawings includes changes to Figure 1 and Figure 5. In Figure 1, reference sign 100 has been added. In Figure 5, step S36 has been amended to read --CHECK SOLD OUT INFORMATION--.

Attachment: Replacement Sheets

Annotated Sheets Showing Changes







FIG. 5

